

November 1965

# Journal of the Constitutional Convention, 1965 Nov 15

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# JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

November 15, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:25 P.M.

## INVOCATION

The Chairman presented Reverend Cannon Lockett Ford Ballard, Rector of Trinity Church, Newport, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 73 present, 27 absent. A quorum was present.

Absentees were Mrs. Barber, Messrs. Beauchemin, Bissonnette, Bride, Mmes. Capuano, Castiglia, Messrs. Chaharyn, Cunningham, Dodge, Fanning of Cumberland, Mrs. Foster, Messrs. Gallagher, Gmelin, Giguere, Gorham of Foster, Jordan, Kiernan, LaFrance, Lallo, Macari, Manning, McCabe, Merolla, Moon, Mrs. Pulner, Messrs. SaoBento and Willey.

On motion of Mrs. Pell, the delegates extended to Reverend Ballard a rising vote of appreciation for his kindness in giving the Invocation.

On nomination of Mr. DiLuglio, seconded by Messrs. Warren, Cochran and Murphy of Warren, Mr. Ernest A. Foster was elected Secretary Pro Tem in the absence of the Secretary of the Convention, unanimously.

On motion of Mr. Wexler, seconded by Messrs. Cote and Principe, the reading of the Journal of the previous day was dispensed, on a voice vote.

## REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for November 3, 1965, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Messrs. Dolbashian and Murphy of Tiverton, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman, as Chairman of the Committee of the Whole on November 3, 1965, presented the report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee of the Whole meeting on November 3, 1965, considered Proposal No. 152, 'Land Court'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Murray, seconded by Messrs. Wexler, Vacca and Dolbashian, moved that the proposal be rejected.

On a division vote, the motion prevailed, 53 delegates voting in the affirmative and 0 delegates voting in the negative.

At 1:40 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

Also, "The Committee considered Proposal No. 153, 'District Court'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Vacca, seconded by Messrs. Murphy of Tiverton and Lawrence, moved that the proposal be rejected.

On a division vote, the motion prevailed, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 166, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates voting, a motion to adopt the proposal failed."

Mr. Murray, seconded by Mr. Wexler, moved that the proposal be rejected.

On a division vote, the motion prevailed, 48 delegates voting in the affirmative and 4 delegates voting in the negative.

Also, "The Committee considered Proposal No. 167, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend the adoption of the proposal failed."

Mr. Murray, seconded by Mr. Wexler, moved that the proposal be rejected.

On a division vote, the motion prevailed, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 10003, 'Legal Remedy'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Murray, seconded by Messrs. Cochran and Murphy of Tiverton, moved that the proposal be rejected.

On a division vote, the motion prevailed, 54 delegates voting in the affirmative and 1 delegate voting in the negative.

Also, "The Committee considered Proposal No. 36, 'Impeachment'.

"The Committee on Judiciary recommended recommitment to the Committee on the Legislative Department. On a voice vote, the Committee of the Whole recommended that the proposal be recommitted to the Committee on the Legislative Department."

By unanimous consent, the proposal was recommitted to the Committee on the Legislative Department.

Also, "The Committee considered Proposal No. 21, 'General Officers'.

"The Committee on Elections and Right to Vote recommended that the proposal be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend the adoption of the proposal prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 47, 'Municipal Elections'.

"The Committee on Elections and Right to Vote recommended the adoption of the proposal. The Committee of the Whole, by a voice vote, recommended recommitment of the proposal to the Committee on Elections and Right to Vote."

By unanimous consent, the proposal was recommitted to the Committee on Elections and Right to Vote.

Also, "The Committee considered Proposal No. 180, 'Property Qualifications'.

"The Committee on Elections and Right to Vote recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Kagan, seconded by Messrs. Cote, Viall and Lawrence, moved that the proposal be rejected.

On a division vote, the motion prevailed, 50 delegates voting in the affirmative and 6 delegates voting in the negative.

Also, "The Committee considered Proposal No. 20, Substitute A, "Term and Election of General Officers".

"The Committee on Elections and Right to Vote recommended that the proposal be adopted. The Committee of the Whole, on a voice vote, recommended recommitment to the Committee on Elections and Right to Vote."

By unanimous consent, the proposal was recommitted to the Committee on Elections and Right to Vote.

#### GENERAL ORDERS

Mr. Wexler, seconded by Mr. Viall, moved that the Convention resolve into a Committee of the Whole upon the General Orders of the Day.

The motion prevailed on a voice vote.

(For Journal of the Committee of the Whole, see appendix, this Journal.)

Upon the rising of the Committee of the Whole, the Chairman again called the Convention to order.

By unanimous consent, on suggestion of Mr. Murphy of Warren, the Convention referred back to Reports of Standing Committees.

#### REPORTS OF STANDING COMMITTEES

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 26 - Substitute A "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

#### ADJOURNMENT

At 4:00 P.M. on motion of Mr. Wexler, seconded by Messrs. Doris and Murphy of Warren, the Convention adjourned to meet on Monday, November 22, 1965, at 1:00 P.M. in the Chamber of the House of Representatives at the State House, on a voice vote.

August P. LaFrance, Secretary  
Constitutional Convention

A P P E N D I X

Journal of the Committee of the Whole

November 15, 1965

Upon the resolving of the Convention into a Committee of the Whole, the First Vice-Chairman called the Committee of the Whole to order.

GENERAL ORDERS

The Committee of the Whole proceeded to consider and act upon the General Orders of the Day.

UNFINISHED BUSINESS

Proposal No. 27 - Substitute A "Of Suffrage"

(The Committee on Elections and Right to Vote recommends adoption of the Substitute Proposal.)

The Committee of the Whole continued consideration of the proposal.

Section 1 (d) of the proposal was read.

Mr. Kagan, seconded by Messrs. Bizier, Dolbashian, and Lawrence, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. Vacca, seconded by Mr. Gates, offered a written motion to amend.

The motion was read and debated.

The motion to amend was withdrawn.

On motion of Mr. Kagan, seconded by Mr. Cochran, the Committee of the Whole recommended recommitment of Section 1 (d) to the Committee on Elections and Right to Vote, on a division vote, 55 delegates voting in the affirmative and 7 delegates voting in the negative.

Section 2 of the proposal was read.

Mr. Kagan, seconded by Messrs. Bizier and Cote, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On motion of Mr. Wexler, seconded by Mr. Cochran, the Committee of the Whole recommended recommitment of Section 2 to the Committee on Elections and Right to Vote, on a division vote, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Kagan, seconded by Mr. Bizier, moved that the proposal be placed last on the calendar of General Orders.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 33 - Substitute A "Of Elections"

(The Committee on Elections and Right to Vote recommends adoption of the Substitute Proposal.)

The proposal was read.

Section 1 of the proposal was read.

Mr. Kagan, seconded by Messrs. Fontaine, Pickard and Cooney, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote, the motion prevailed, 60 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 2 of the proposal was read.

Mr. Kagan, seconded by Messrs. Bizier and Toolin, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote, the motion prevailed, 60 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 3 of the proposal was read.

Mr. Kagan, seconded by Messrs. Viall and Lawrence, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote, the motion prevailed, 58 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Kagan, seconded by Messrs. Cochran, Lawrence, Toolin and Bizier, moved that the Committee of the Whole recommend adoption of Proposal No. 33-Substitute A.

On a division vote, the motion prevailed, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 39    "Government During Emergency"  
(The Committee on the Executive Department recommends adoption.)

The proposal was read.

Mr. Cochran, seconded by Messrs. Warren, Pickard, and Lawrence, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote, the motion prevailed, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 55    "Line of Succession to the Governorship"  
(The Committee on the Executive Department recommends adoption.)

The proposal was read.

Mr. Gallogly, seconded by Messrs. Bizier, Lawrence, Fontaine and Murphy of Coventry, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote, the motion prevailed, 54 delegates voting in the affirmative and 5 delegates voting in the negative.

Proposal No. 103    "General Officers"  
(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. Gallogly, seconded by Messrs. Warren, Nathanson, Bizier and Kagan moved that the Committee of the Whole recommend rejection of the proposal.

The motion was debated.

On a division vote, the motion prevailed, 62 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 150    "Executive Power"  
(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. Gallogly, seconded by Messrs. Dolbashian, Vacca, Ricci and Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

The motion was debated.



On a division vote, the motion prevailed, 50 delegates voting in the affirmative and 12 delegates voting in the negative.

Proposal No. 174 "Use of Motor Vehicle Tax Revenue"

(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. Gallogly, seconded by Messrs. Warren, Gammino and Nathanson, moved that the Committee of the Whole recommend rejection of the proposal.

The motion was debated.

On a division vote, the motion prevailed, 51 delegates voting in the affirmative and 5 delegates voting in the negative.

Proposal No. 175 "Protection of Salt Water Resources"

(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. Champion, seconded by Messrs. Cochran, Doris, Wrenn, Cote, Bizier, Parrillo, Bevilacqua, and McGrath, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote, the motion did not prevail, 13 delegates voting in the affirmative and 41 delegates voting in the negative.

Proposal No. 182 "Interest"

(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. LaSalle, seconded by Messrs. Wexler, Toolin and Colbert, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote, the motion prevailed, 31 delegates voting in the affirmative and 30 delegates voting in the negative.

By unanimous consent, from the General Orders was taken:

Proposal No. 186 "Of the Senate"

(The Committee on Elections and Right to Vote recommends recommitment to the Committee on the Legislative Department.)

By unanimous consent, the Committee of the Whole recommended recommitment of the proposal to the Committee on the Legislative Department.

Mr. Appolonia announced that the subcommittee on Unicameralism and Bicameralism of the Committee on the Legislative Department would hold a public hearing in West Warwick on November 16, 1965.

Mr. Corcoran, seconded by Messrs. Appolonia and Dolbashian, moved that the Committee of the Whole rise. The motion prevailed on a voice vote.

August P. LaFrance  
Secretary  
Constitutional Convention